

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *ef* D.C.
05 JUN 15 PM 2:57

ROBERT P. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

DAVID FOUCAULT, et al.,

Plaintiffs,

vs.

THE LASIK VISION INSTITUTE,
et al.,

Defendants.

Civ. No. 04-2988-D/P

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held June 9, 2005. Present were Paul Leitch, counsel for plaintiff, and Elizabeth Collins and Donna Boyce, counsel for defendants. At the conference, the following dates were established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1): July 5, 2005

JOINING PARTIES: August 1, 2005

AMENDING PLEADINGS: September 15, 2005

INITIAL MOTIONS TO DISMISS: September 30, 2005

COMPLETING ALL DISCOVERY: January 16, 2006

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- (a) **DOCUMENT PRODUCTION:** January 16, 2006
- (b) **DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS:**
January 16, 2006
- (c) **EXPERT WITNESS DISCLOSURE (Rule 26):**
 - (1) **DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION:** September 5, 2005
 - (2) **DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION:** January 16, 2006
 - (3) **EXPERT WITNESS DEPOSITIONS:**
Plaintiff's Expert Depositions - November 15, 2005
Defendant's Expert Depositions - March 15, 2006

FILING DISPOSITIVE MOTIONS: March 15, 2006

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for a jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. It is anticipated that the trial will last approximately five (5) days.

This case may be appropriate for ADR. The parties are to appear before Magistrate Judge Pham on Thursday, November 3, 2005, at 9:30 a.m., for a status conference to discuss the possibility of ADR.


The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



TU M. PHAM

United States Magistrate Judge

June 14, 2005

Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 2:04-CV-02988 was distributed by fax, mail, or direct printing on June 16, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT